IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

WRIT PETITION NO. 3197 OF 2006.

Kolhapur Zilla Vimukta Jati, Bhatkya Jamati Vikas Mandal, & Anr. ..Petitioners.

V/s

Shri Patil Shamgonda Namgonda And Others. ..Respondents.

Mr. Sachin Manale and Shri S.S. Pakale for the petitioners.

CORAM : DR. D.Y. CHANDRACHUD, J.

DATE : 30TH JUNE, 2006.

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. The 1st respondent was appointed as Head Master on 19th June, 1991. On 6th October, 2001 the Management issued a letter to the 1st respondent reducing him in rank. Therefore the 1st respondent filed an appeal (99/2001) challenging the letter dated 6th October,2001 before the School Tribunal. The First respondent tried to resume duties as an Assistant Teacher but he was not allowed to do so, on 9th October, 2001. Treating this as a "termination otherwise" within the meaning of Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act,1977 the petitioner filed an appeal against the termination. The

Management during the pendency of the appeal terminated the services of the 1st respondent, by a written communication. In that view of the matter the two appeals were withdrawn and a fresh appeal was sought to be filed. The application for condonation of delay therein was allowed. There is no negligence or inaction on the part of the 1st respondent in seeking recourse to the right to move the School Tribunal. The initial appeal was filed on the basis that the 1st respondent stood reduced in rank. The appeal that was thereafter filed was on the basis that when he attempted to attend his duties, as an Assistant Teacher, he was not allowed to join and therefore that amounted to a termination from service. The delay was sufficiently explained. In these circumstances the condonation of delay was for sufficient reasons and does not warrant interference.

. The Petition is dismissed.

(DR. D.Y. CHANDRACHUD, J.)